



Atty. Dkt. No. 050374-0107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jihoon KANG et al.
Title: ENGINE TORQUE CONTROL
APPARATUS
Appl. No.: 10/650,085
Filing Date: 8/28/2003
Examiner: B.R. Mohanty
Art Unit: 3747

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, JATCO Ltd, having its principal place of business at 700-1, Imaizumi, Fuji-shi, Shizuoka Japan, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/650,085, filed 8/28/2003, by virtue of an Assignment filed and recorded on 2/2/2004, on Reel/Frame 014944/0561, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A. Further, your Petitioner represents that it is the owner of U.S. Patent Application No. 10/650,076, filed August 28, 2003, by virtue of an Assignment filed and recorded on February 2, 2004, on Reel/Frame 014937/0740, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX B.

Your Petitioner, JATCO Ltd, hereby disclaims the terminal part of the term of any patent granted on U.S. Patent Application 10/650,085 which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of any patent granted on U.S. Patent Application 10/650,076, and hereby agrees that any patent so granted on U.S. Patent Application 10/650,085 shall be enforceable only for and during such period that the legal title to any patent granted on U.S. Patent Application 10/650,076 shall be the same as the

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legal title to any patent granted on U.S. Patent Application 10/650,085, this agreement to run with any patent granted on U.S. Patent Application 10/650,085 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on U.S. Patent Application 10/650,085, prior to the full statutory term of any patent granted on U.S. Patent Application 10/650,076 as defined in 35 U.S.C. §§154-156 and 173, in the event that any patent granted on U.S. Patent Application 10/650,076 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of any patent granted on U.S. Patent Application 10/650,076 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on U.S. Patent Application 10/650,085 that would extend beyond the present termination of any patent granted on U.S. Patent Application 10/650,076, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on U.S. Patent Application 10/650,085 to the extent provided by law.

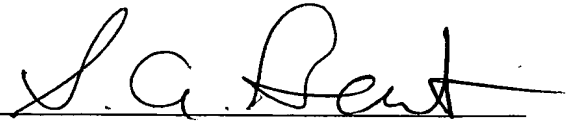
The undersigned, being the Attorney of Record for U.S. Patent Application 10/650,085, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the Assignments attached as APPENDICES A and B, and to the best of his knowledge and belief, legal title to U.S. Patent Application 10/650,085 and any patent granted on U.S. Patent Application 10/650,076 rests with Petitioners, JATCO Ltd. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such

willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date November 12, 2004

By

A handwritten signature in black ink, appearing to read "S. A. Bent", written over a horizontal line.

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